

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

APRIL 1997 SESSION

**FILED**

June 26, 1997

**Cecil W. Crowson  
Appellate Court Clerk**

STATE OF TENNESSEE, )  
)  
Appellee, )  
)  
vs. )  
)  
STEVE EDWARD HOUSTON, )  
)  
)  
Appellant. )

No. 01CO1-9606-CC-00280

Giles County

Hon. James L. Weatherford,  
Judge

FOR THE APPELLANT:

HERSHELL D. KOGER  
135 N. First St.  
P.O. Box 1148  
Pulaski, TN 38478

FOR THE APPELLEE:

JOHN KNOX WALKUP  
Attorney General & Reporter

SARAH M. BRANCH  
Counsel for the State  
Criminal Justice Division  
450 James Robertson Parkway  
Nashville, TN 37243-0493

T. MICHAEL BOTTOMS  
District Attorney General  
P.O. Box 459  
Lawrenceburg, TN 38464-0459

RICHARD H. DUNAVANT  
Asst. District Attorney General  
Giles County Courthouse  
P.O. Box 304  
Pulaski, TN 38478-0304

OPINION FILED: \_\_\_\_\_

**AFFIRMED PURSUANT TO RULE 20**

CURWOOD WITT  
JUDGE

## OPINION

Steve Edward Houston, the defendant, appeals pursuant to Rule 3, Tennessee Rules of Appellate Procedure, from the trial court's revocation of his probation. He contends that the record contains no substantial evidence supporting the order of revocation.

On February 24, 1994, the defendant pleaded guilty to twenty-one offenses committed between June 26, 1989 and October 27, 1993. The offenses include thirteen felonies involving the possession and sale of crack cocaine. The trial court sentenced him to an aggregate sentence of thirteen years. After serving six months in jail, he was released, and, on August 8, 1994, he was placed on supervised probation for the remainder of his sentence. The record indicates that the defendant reported as ordered and made the appropriate payments covering the cost of probation. However, petitions to revoke probation were filed in February and April of 1995 stating that the appellant had been indicted for eight new charges involving the sale of illegal substances. On February 21, 1996, the trial court revoked the defendant's probation and ordered that he serve his sentence in the Department of Correction.

The revocation of probation is committed to the sound discretion of the trial judge. See State v. Harkins, 811 S.W.2d 79, 80 (Tenn. Crim. App. 1981). An appellate court will not find that a trial court has abused its discretion unless the record contains no substantial evidence to support the trial court's conclusion that the probation should be revoked. See State v. Mitchell, 810 S.W.2d 733, 735 (Tenn. Crim. App. 1991). In reviewing the trial court's findings,

it is our obligation to examine the record and determine whether the trial court has exercised a conscientious judgment rather than acted arbitrarily. State v. Mitchell, 810 S.W.2d at 735. In this instance, the trial court's decision to revoke probation was intelligently and conscientiously exercised.

During the one-day hearing, police officers and confidential informants testified to numerous transactions in which the defendant was involved in selling crack cocaine. The first transaction occurred on August 31, 1994, only three weeks after the defendant began his probationary sentence. The defendant contends that the confidential informants were not credible and that their testimony is unsupported by other facts. However, the trial judge determines the credibility of the witnesses in a probation revocation hearing. State v. Delp, 614 S.W.2d 395, 398 (Tenn. Crim. App. 1980). None of the confidential informants were accomplices of the appellant, and their testimony requires no corroboration. State v. Preston Bernard Crowder and Cynthia Diane Southall, No. 01CO1-9304-CR-00143, slip op. at 5 (Tenn. Crim. App., Nashville, March 14, 1995), perm. to appeal denied as to Southall (Tenn. 1995). The trial court was justified in finding that the defendant had violated his probation, that revocation was in order, and that the defendant should serve his sentence in confinement.

Based upon a thorough reading of the record, the briefs of the parties, and the law governing the issue presented for review, the judgment of the trial court is affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals.

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CURWOOD WITT, Judge

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Gary R. Wade, Judge

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David H. Welles, Judge